

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS**

IN RE: PHARMACEUTICAL INDUSTRY
AVERAGE WHOLESAL PRICE
LITIGATION

MDL No. 1456
Master File No.: 01-CV-12257-PBS
Subcategory Case No. 07-12141-PBS

THIS DOCUMENT RELATES TO:

Judge Patti B. Saris

State of Iowa v. Abbott Laboratories, et al.

JOINT MOTION TO MODIFY CERTAIN PRE-TRIAL DATES

1. Paragraph 12 of the Case Management Order dated January 22, 2009 (the “CMO”), which CMO was based upon a joint motion of the parties, established the following pre-trial dates:

A. All fact discovery is to be completed by April 1, 2010;

B. Plaintiff’s expert reports and other materials in compliance with Fed. R. Civ. P 26(a)(2)(B) are currently due by June 1, 2010,

C. Defendants’ expert reports and other materials in compliance with Fed. R. Civ. P 26(a)(2)(B) are currently due by August 1, 2010; and

D. All expert depositions are currently to be completed by September 1, 2010.

2. Under the CMO, all remaining pre-trial deadlines will be set at a pre-trial status conference.

3. The parties have been diligently pursuing fact discovery in this matter, consistent with the obligations of the parties and their counsel in connection with other matters, including other “AWP” litigation before this Court and in various state courts throughout the country.

4. Based upon the state of the fact discovery record in this case, the parties agree that a ninety (90) day extension of all of the presently established pre-trial deadlines would further the just, speedy, and inexpensive determination of this action.

5. To that end, all fact discovery would be completed by July 1, 2010.

6. The parties shall use their best efforts to serve any remaining written discovery by April 30, 2010. No written discovery may be served after April 30, 2010 unless it is justified by particular circumstances demonstrating that despite the serving party’s best efforts, such discovery could not reasonably have been served prior to that date.

7. Plaintiff shall serve all expert reports and other materials in compliance with Fed. R. Civ. P. 26(a)(2)(B) by September 15, 2010.

8. Defendants shall serve all expert reports and other materials in compliance with Fed. R. Civ. P. 26(a)(2)(B) by November 15, 2010.

9. All expert depositions shall be completed by December 15, 2010.

WHEREFORE, the parties jointly move this Court to modify the established pre-trial dates to those shown above and on the attached proposed Case Management Order No. ____.

Dated March 5, 2010

/s/ Jocelyn Normand

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Co. (in his capacity as liaison counsel for the
Defendants).

CERTIFICATE OF SERVICE

The undersigned, an attorney, hereby certifies that on the 5th day of March, 2010, she caused a true and correct copy of the foregoing Joint Motion to Modify Certain Pre-Trial Dates to be delivered to counsel of record for defendants by electronic service pursuant to Case Management Order No. 2 entered by the Honorable Patti B. Saris in MDL No. 1456.

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